

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
In re:	:
	:
PAUL F. WALLACE, et al.,	:
	:
Debtors.	: Chapter 11
	: Case Nos. 10-22998, 10-22999,
-----X	x 10-23000, 10-23001, 10-23002 (RDD)
PAUL F. WALLACE, A&T HOLDING CORP.,	:
BEN FRANKLIN SERVICES CORP.,	: Jointly Administered
MARTINDALE CORPORATION and MOA-	:
CODY, L.L.C.,	: Adversary Proceeding
	: No. 10-08381 (RDD)
Plaintiffs,	:
	: Return Date: December 8, 2010
- against -	:
	:
BSC PROPERTIES, INC., CCJ HOLDING	:
CORP., CLEAR SKY ASSOCIATES LLC,	:
FRANK W. CUIFFO, PRESTON ASSOCIATES	:
LLC, RONALD P. STEWART and RS	:
HOSPITALITY LLC,	:
	:
Defendants.	:
-----X	

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law, Declaration of Frank W. Cuiffo and exhibits thereto, and all pleadings and proceedings heretofore had before this Court, Defendants BSC Properties, Inc., CCJ Holding Corp., Clear Sky Associates LLC, Frank W. Cuiffo, Preston Associates LLC, Ronald P. Stewart, and RS Hospitality LLC, by their undersigned counsel, will move before the Honorable Robert D. Drain of the United States Bankruptcy Court for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601, on December 8, 2010 at

10:00 a.m., for an order dismissing the complaint in the above-captioned adversary proceeding for lack of jurisdiction and failure to state a claim under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), as incorporated in Federal Rule of Bankruptcy Procedure 7012.

Dated: September 10, 2010

Respectfully submitted,

VENABLE LLP

By: /s/ Edward A. Smith
Edward A. Smith
Lawrence H. Cooke II
David N. Cinotti
Rockefeller Center
1270 Avenue of the Americas, 25th Floor
New York, New York 10020
Telephone: (212) 307-5500
Facsimile: (212) 307-5598
lhcooke@venable.com
eamith@venable.com
dncinotti@venable.com

Counsel for Defendants